

REMARKS

The claims have been amended to more precisely define the invention without the addition of new matter.

In the office action it was indicated that claim 8 was not generic because Figures 3 and 4 do not have the spring interposed between the platform and the base. Applicants object that this is an erroneous finding. See specification, page 2, line 27 describing Fig. 3 --“one blade 23 of the spring assembly 24 is affixed to the base 9 by attachment 13. A second blade 22 of the assembly 24 is attached to a turnbuckle 21 that is attached by connector 14 to the edge of the platform.”. This clearly recites that the spring is interposed between base and platform. Fig. 4 has similar configuration. Consequently, claim 8 is indeed generic. The amended paragraph of the specification found in the preliminary amendment filed 7/12/03 should further clarify the commonality of all the drawing figures.

In the office action, the claims were rejected under 35USC 102(b) as being anticipated by Maimin (US patent#1,455,345). Examiner indicated that elements of the claim are taught in ‘345 including “—and leaf spring means (31) interposed between the platform and the base away from the pivotal connecting means for applying spring bias there between to springably resist the pull of the belt on the motor; wherein the leaf spring has a first end attached to the base and a second end slidingly engaging the platform.”.

The federal circuit has held that prior art is anticipatory only if every element of the claimed invention is disclosed in a single item of prior art in the form literally defined in the claim. Jamesbury corp. v. Litton Indus. Products, 756 F.2d 1556, 225 USPQ 253 (Fed. Cir. 1985); Atlas Powder Co. v. du Pont, 750 F.2d 1569, 224 USPQ 409 (Fed. Cir. 1984); American Hospital Supply v. Travenol Labs., 745 F.2d 1, 223 USPQ 577 (Fed. Cir. 1984).

It is respectfully submitted that the application as amended is improperly rejected for want of a *prima facie* showing of anticipation. Every element of applicants' invention as herein claimed in amended form is not disclosed in the cited reference.

The scope and content of the prior art:

What ‘345 teaches is a treadle 29 that, when depressed by a foot, moves the motor 15 to the position shown by dotted lines, thereby applying tension to the belt to

drive the sewing machine. The spring 31 forces the treadle upward and releases belt tension to slow or stop the sewing. His spring bias does the opposite of applicants' claimed spring bias element that pulls on the belt to increase belt tension to prevent belt slipping that causes economic loss as described. Applicants' belt pulls the motor in one direction, and their spring pulls the motor in the opposite direction, resisting the belt's pull. '345 belt pulls the motor in one direction, and his spring pulls the motor in the same direction, releasing belt tension.

In view of the foregoing, it is urged that the Examiner withdraw the rejections and allow the claims. If there are any comments, questions or suggestions to be made, the Examiner is respectfully invited to telephone the applicant's representative at the telephone number given below for prompt disposition of any still outstanding matters.

Reconsideration is respectfully requested.

Respectfully submitted,



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